THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.7648 of 2006

Dated:18th April, 2006

Between:

M.Sudhakar, Conductor

…..PETITIONER

AND

The Regional Manager,

APSRTC., Warangal Region,

Hanamkonda, Warangal District

And others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.7648 of 2006

ORDER:

This writ petition is filed assailing the action of the 3rd respondent/ Depot Manager, A.P.S.R.T.C, Karimnagar-I, Karimnagar District in issuing the proceedings No.02/95 (90)/98-JN, dated 27-1-1999 by which the petitioner who is a Conductor was imposed a major punishment of deferment of annual increment for a period of two years with cumulative effect, without issuing show cause notice and without asking for comments from the petitioner on enquiry report .

The relevant portion of the impugned order dated 27-1-1999 of the respondent reads thus:

> *"Therefore, I hereby order to defer annual increment of Sri M.Sudhakar, E.No.342625, Conductor of Jangaon Depot, for a period of two years which shall have effect on his future increments".*

The brief facts leading to the filing of the writ petition are as follows: The petitioner is working as a Conductor at respondent-Depot. Disciplinary proceedings were initiated against him, alleging certain irregularities, in the matter of issuance of tickets. On the basis of report submitted by the enquiry officer, without issuing a show-cause notice and without asking comments on enquiry report the proceedings dated 27-1-1999 were issued straight away imposing the punishment of stoppage of annual increment for a period of two years, with cumulative effect, and explanation was also sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Aggrieved by the said order dated 27-1-1999, petitioner filed an appeal which was rejected on 5-1-2000, against which a review petition to the 1st respondent was preferred on 4-3-2000, but in vain.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Admittedly, the 3rd respondent followed a peculiar procedure of initiating the disciplinary proceedings. An enquiry was conducted and on the basis of the enquiry report submitted by the enquiry officer, the impugned order was passed straight away without issuing show-cause notice. This peculiar practice of inflicting punishment on the basis of enquiry report without issuing show-cause notice was deprecated by this Court in W.P.No.18299 of 2005, dated 5-9-2005, and the counsel for the petitioner and the Standing Counsel for the respondents agreed for disposal of the writ petition in terms of the said Judgment.

The relevant portion of the Judgment in W.P.No.18299 of 2005, dated 5-9-2005 is at Paragraph 4, which reads as under.

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that*

nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the date of this order, on account of the modification of the punishment".

In the above view of the matter, this writ petition can also be disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005 directing the respondents as is being done hereunder.

The respondents are directed to treat the punishment of stoppage of increment as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. No costs.

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(N.V. RAMANA, J.)

Date:18th April, 2006.

GRK